

REMARKS

Applicant respectfully requests reconsideration of the subject application for the reasons set forth herein.

35 U.S.C. § 103(a) Rejections

Claims 1-10 and 15-23 stand rejected as being unpatentable over Vange, U.S. Patent No. 6,050,898 (“Vange”), in view of Rautila, U.S. Patent No. 6,524,189 B1 (“Rautila”). Claims 11-14 stand rejected as being unpatentable over Vange and Rautila, as applied to Claim 1, and further in view of Finn (U.S. Patent Application 2002/0052239). Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. §103(a) recites:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Hence, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable

expectation of success must both be found in the prior art and not based on applicant's disclosure.

In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). MPEP 706.02(j).

Vange and Rautila Do Not Teach Smoothing of Communications Between User Communications Devices Using At Least One of Said User Communications Devices

Amended independent Claim 1 discloses a system using “a plurality of user communications devices via a wireless network and a communications server...” wherein a *perception of degradation between the user communications devices* is alleviated “by smoothing said communications services *using at least one of said user communications devices...*” (emphasis added). Neither Vange nor Rautila teaches smoothing of communications between user communications devices using at least one of the user communications devices.

Vange principally teaches a system in which degradation in a communications system can be alleviated, but only between a game server and a game client, not *between two game clients*. See Vange, column 7, lines 40-49. Vange discloses a way to smooth communications in a non-wireless communications system wherein the communications between *a game server and a game client* are smoothed. *Id.* Vange fails to disclose a wireless system and does not teach smoothing of communications between two or more game clients or users. See, generally, Vange. Because Vange fails to teach the smoothing of communications between two or more users over a wireless system, Vange fails to teach the communications system disclosed in Applicant's invention.

Further, Applicant respectfully submits that the Examiner noted that Vange fails to teach a wireless network as disclosed in amended independent Claim 1 of Applicant's invention. The present invention claims an interactive communications system using user communications

devices via a wireless network. The Examiner points out that Rautila teaches the use of a wireless network in a gaming system. *See* Office Action of August 24, 2005, pages 3 and 4. While Rautila teaches a wireless gaming system in which a plurality of users may partake in gaming communications between one another over a wireless network, Rautila does not teach *the smoothing* of wireless communications between two or more game users. *Id.* Nowhere in Rautila is a communications system disclosed which also incorporated the element of *smoothing* wireless communications. *See, generally, Rautila.*

The combination of Rautila and Vange to incorporate the wireless aspect of Rautila and the smoothing teaching of Vange is similarly inappropriate. As would be evident to those skilled in the art, smoothing between a server and a client in a wired setting does not, when combined with wireless gaming, teach smoothing of wireless communications between two or more users just because wireless is known. The present invention is not an extension of known wired solutions to a wireless environment, as would be apparent to those having ordinary skill in the art. Because of this deficiency, the combination of the wired gaming with wireless communications is inappropriate.

Therefore, Applicant submits that the cited references of Vange and Rautila, neither individually nor in combination, teach or suggest the smoothing of communications between two or more users of wireless communications devices, as taught in amended independent Claim 1 of Applicant's invention.

Accordingly, Applicant submits at least the amended independent Claim 1 of Applicant's invention is patently distinguishable over the prior art of record. Applicant further submits that each of the dependent claims (Claims 2-23) is similarly distinguishable over the

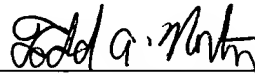
prior art of record, at least by virtue of each Claim's ultimate dependency from the patently distinct base Claim 1.

Conclusion

Wherefore, Applicant respectfully believes all outstanding grounds raised by the Examiner have been addressed, and thus respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Respectfully Submitted,

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